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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00053 DAE
	)	
Plaintiff,	)	ORDER GRANTING IN PART AND
	)	DENYING IN PART DEFENDANT'S
vs.	)	MOTION TO COMPEL DISCOVERY
	)	
SILVER JOSE GALINDO,	)	
aka DANIEL S. GALINDO,	)	
aka TIMOTHY MAU,	)	
	)	
Defendant.	)	
	)	

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ORDER GRANTING IN PART AND DENYING  
IN PART DEFENDANT'S MOTION TO COMPEL DISCOVERY

This matter came before the Court on the Defendant's SILVER JOSE GALINDO ("Defendant") Motion to Compel Discovery on June 13, 2007. Defendant appeared with his court-appointed counsel, Jack Schweigert Esq. Assistant United States Attorney Darren W.K. Ching appeared for the government. The Court reviewed Defendant's motion and the government's response, and heard the representations and arguments of counsels.

The government proffered that despite being under no obligation to do so and in making a case by case assessment, it would agreed to provide Defendant unredacted copies of pages 1, 2, 3, 6, 7, 8, 9, 10, 11 and 132. The government proffered that despite being under no obligation to do so and in making a case by case assessment, it agreed to make available for *in camera* inspection discovery pages 382 - 386. The government did not agree to provide an unredacted copy of page 5.

Based upon a review of the foregoing, the Court grants in part and denies in part Defendant's Motion to Compel. The government will voluntarily disclose bates-stamped pages: "UR 1, 2, 3, 6, 7, 8, 9, 10, 11 and 132" with Defense Counsel agreeing that he will not provide Defendant with said unredacted material, Defendant will not possess said unredacted material while at FDC, and said unredacted material will not be copied. This will ensure that said unredacted material is not dispersed throughout the FDC because the said unredacted material names witnesses/cooperators who are presently housed at FDC. Therefore, based on this agreement between the government, and the Defendant and his Defense Counsel, this Court need not rule as to this part of Defendant's request.

Accordingly, IT IS ORDERED that Defendant's Motion to Compel Discovery as to pages 382 - 386 of the discovery be granted in part. The government shall provide this Court with

copies of pages 382 - 386 of the discovery as well as unredacted copies of these pages (bate-stamped pages "IC 1 - 5") by June 18, 2007. This Court will conduct an *in camera* review of bate-stamped pages IC 1 - 5 to determine its discoverability.

IT IS FURTHER ORDERED that Defendant's Motion to Compel Discovery as to page 5 of the discovery be denied.

DATED: Honolulu, Hawai'i, June 19, 2007.



/S/ Leslie E. Kobayashi  
Leslie E. Kobayashi  
United States Magistrate Judge

UNITED STATES VS. SILVER JOSE GALINDO

Cr. No. 04-00053 DAE

Order Granting in Part and Denying in Part Defendant's Motion To Compel Discovery